

FILED

October 19 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Name Richard Frank Knox
Address MSP 700 Conley Lake Road
Deer Lodge MT 59722
Telephone No. N/A

U-09-0548

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. 730

Richard Frank Knox
Appellant
(designation of party),

v.

State of Montana
(designation of party).
Respondent

MOTION AND AFFIDAVIT IN SUPPORT
OF MOTION TO PROCEED ON APPEAL
WITHOUT PAYMENT OF FILING FEE

I move this Court to proceed without payment of the filing fee in this cause,
and I submit this Affidavit in support of my motion.

I, Richard F Knox, (state your name) being first duly sworn, depose and
say that I am the Appellant (designation of party) in the above-
entitled cause; that in support of my application to proceed on appeal without
being required to pay the filing fee, I state that because of my financial condition I
am unable to pay the filing fee; that I believe I am entitled to redress; and that the
issues which I desire to present on appeal are the following:

Double Jeopardy

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? PRISON JOB

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

MCE Montana Correctional Enterprises
\$35⁰⁰ 45 per month 300 Conley Lake Road
Deep Lodge MT 59722

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? If the answer is yes, describe each source of income, and state the amount received from each during the past 12 months.

NO

3. Do you own any cash or checking or savings account? If the answer is yes, state the total value of the items owned.

No

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If the answer is yes, describe the property and state its approximate value.

No

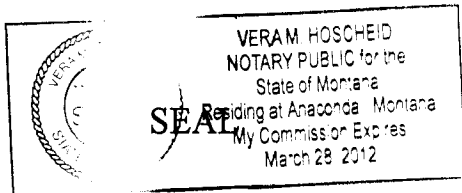
5. List the persons who are dependent upon you for support and state your relationship to those persons.

None

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

[Signature]

Subscribed and sworn to before me this 15th day of October, 2 009



[Signature]

Notary Public for the State of Montana

Residing at

Anaconda

My Commission expires

March 28, 2012

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FILED

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Form 3

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. TBN

Richard Frank Knay
(designation of party),

v.

State of Montana
(designation of party).

AFFIDAVIT IN SUPPORT OF MOTION
TO PROCEED ON APPEAL WITHOUT
PAYMENT OF FILING FEE

I, Richard F Knay, being first duly sworn, depose and say that I am the (designation of party) in the above-entitled case; that in support of my application to proceed on appeal without being required to pay the filing fee, I state that because of my financial condition I am unable to pay the filing fee; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

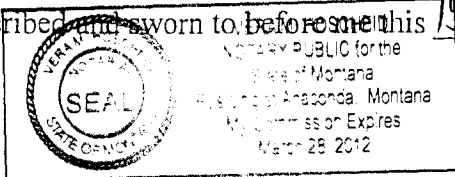
Judgment of Date August 17, 2009

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? no prison Job only
- a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.
- b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received. Jan 30, 2009 varied
2. Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? If the answer is yes, describe each source of income, and state the amount received from each during the past 12 months. no
3. Do you own any cash or checking or savings account? If the answer is yes, state the total value of the items owned. no
4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If the answer is yes, describe the property and state its approximate value. no
5. List the persons who are dependent upon you for support and state your relationship to those persons. None

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

Subscribed and sworn to before me this 15th day of September, 2009.



[Signature]
Notary Public

09/08/2009

Montana State Prison

Resident Activity Statement

Resident Name: KNOX, RICHARD

Resident ID: 45591

Housing Location: MSP,UC,2,40,3,2

Date Range:

03/08/2009 Through 09/09/2009

Beginning Account Balances:

Ending Account Balances:

Trust	Personal Balance	Non-Per Balance	Debt	Trust	Personal Balance	Non-Per Balance	Debt
	\$379.90	\$0.00	\$0.00		\$114.65	\$0.00	\$0.00
Begin Totals	\$379.90	\$0.00	\$0.00	End Totals	\$114.65	\$0.00	\$0.00

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
03/09/2009	\$25.00	Resident Deposit	James Knox	\$25.00	\$404.90	\$0.00	\$0.00	\$0.00	\$0.00
03/16/2009	(\$13.13)	Sale	Debit Sale	(\$13.13)	\$391.77	\$0.00	\$0.00	\$0.00	\$0.00
03/23/2009	(\$0.59)	Sale	Debit Sale	(\$0.59)	\$391.18	\$0.00	\$0.00	\$0.00	\$0.00
03/30/2009	(\$3.50)	Sale	Debit Sale	(\$3.50)	\$387.68	\$0.00	\$0.00	\$0.00	\$0.00
04/06/2009	(\$4.70)	Sale	Debit Sale	(\$4.70)	\$382.98	\$0.00	\$0.00	\$0.00	\$0.00
04/13/2009	(\$1.61)	Sale	Debit Sale	(\$1.61)	\$381.37	\$0.00	\$0.00	\$0.00	\$0.00
04/13/2009	\$0.00	Change Classification	moved to close 2	\$0.00	\$381.37	\$0.00	\$0.00	\$0.00	\$0.00
04/14/2009	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$381.37	\$0.00	\$0.00	\$0.00	\$0.00
04/16/2009	(\$36.81)	Sale	Debit Sale	(\$36.81)	\$344.56	\$0.00	\$0.00	\$0.00	\$0.00
04/16/2009	(\$199.00)	Sale	Debit Sale	(\$199.00)	\$145.56	\$0.00	\$0.00	\$0.00	\$0.00
04/20/2009	(\$47.05)	Sale	Debit Sale	(\$47.05)	\$98.51	\$0.00	\$0.00	\$0.00	\$0.00
04/23/2009	(\$13.56)	Sale	Debit Sale	(\$13.56)	\$84.95	\$0.00	\$0.00	\$0.00	\$0.00
05/01/2009	(\$13.10)	Sale	Debit Sale	(\$13.10)	\$71.85	\$0.00	\$0.00	\$0.00	\$0.00
05/03/2009	\$25.00	Resident Deposit	James F. Knox	\$25.00	\$96.85	\$0.00	\$0.00	\$0.00	\$0.00
05/07/2009	(\$2.94)	Sale	Debit Sale	(\$2.94)	\$93.91	\$0.00	\$0.00	\$0.00	\$0.00
05/14/2009	(\$22.52)	Sale	Debit Sale	(\$22.52)	\$71.39	\$0.00	\$0.00	\$0.00	\$0.00
05/18/2009	\$25.00	Resident Deposit	James Knox	\$25.00	\$96.39	\$0.00	\$0.00	\$0.00	\$0.00
05/21/2009	(\$6.23)	Sale	Debit Sale	(\$6.23)	\$90.16	\$0.00	\$0.00	\$0.00	\$0.00
05/28/2009	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$90.16	\$0.00	\$0.00	\$0.00	\$0.00

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05/28/2009	(\$25.64) Sale	Debit Sale	(\$25.64)	\$64.52	\$0.00	\$0.00	\$0.00	\$0.00
06/04/2009	(\$17.49) Sale	Debit Sale	(\$17.49)	\$47.03	\$0.00	\$0.00	\$0.00	\$0.00
06/10/2009	(\$2.75) Transfer Other Funds	MSP - Hobby	(\$2.75)	\$44.28	\$0.00	\$0.00	\$0.00	\$0.00
06/11/2009	(\$13.49) Sale	Debit Sale	(\$13.49)	\$30.79	\$0.00	\$0.00	\$0.00	\$0.00
06/18/2009	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$30.79	\$0.00	\$0.00	\$0.00	\$0.00
06/18/2009	(\$5.47) Sale	Debit Sale	(\$5.47)	\$25.32	\$0.00	\$0.00	\$0.00	\$0.00
06/18/2009	\$237.00 Resident Deposit	State of Montana	\$237.00	\$262.32	\$0.00	\$0.00	\$0.00	\$0.00
06/23/2009	(\$32.49) Sale	Debit Sale	(\$32.49)	\$229.83	\$0.00	\$0.00	\$0.00	\$0.00
07/01/2009	(\$13.74) Sale	Debit Sale	(\$13.74)	\$216.09	\$0.00	\$0.00	\$0.00	\$0.00
07/07/2009	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$216.09	\$0.00	\$0.00	\$0.00	\$0.00
07/07/2009	\$8.00 Resident Deposit	Inmate Pay - June 2009 Food Service	\$8.00	\$224.09	\$0.00	\$0.00	\$0.00	\$0.00
07/07/2009	(\$5.63) Sale	Debit Sale	(\$5.63)	\$218.46	\$0.00	\$0.00	\$0.00	\$0.00
07/14/2009	(\$13.17) Sale	Debit Sale	(\$13.17)	\$205.29	\$0.00	\$0.00	\$0.00	\$0.00
07/21/2009	(\$10.47) Sale	Debit Sale	(\$10.47)	\$194.82	\$0.00	\$0.00	\$0.00	\$0.00
07/28/2009	(\$17.45) Resident Withdrawal	Edward R. Hamilton	(\$17.45)	\$177.37	\$0.00	\$0.00	\$0.00	\$0.00
07/28/2009	(\$15.29) Sale	Debit Sale	(\$15.29)	\$162.08	\$0.00	\$0.00	\$0.00	\$0.00
08/04/2009	(\$8.76) Sale	Debit Sale	(\$8.76)	\$153.32	\$0.00	\$0.00	\$0.00	\$0.00
08/04/2009	\$21.00 Resident Deposit	MSP Inmate Pay July 2009 - Food Service	\$21.00	\$174.32	\$0.00	\$0.00	\$0.00	\$0.00
08/07/2009	\$30.00 Resident Deposit	James Knox	\$30.00	\$204.32	\$0.00	\$0.00	\$0.00	\$0.00
08/07/2009	(\$3.00) Transfer Other Funds	MSP - IWF Pizza	(\$3.00)	\$201.32	\$0.00	\$0.00	\$0.00	\$0.00
08/11/2009	(\$68.45) Transfer Other Funds	MSP - Hobby	(\$68.45)	\$132.87	\$0.00	\$0.00	\$0.00	\$0.00
08/11/2009	(\$14.64) Sale	Debit Sale	(\$14.64)	\$118.23	\$0.00	\$0.00	\$0.00	\$0.00
08/18/2009	(\$12.74) Sale	Debit Sale	(\$12.74)	\$105.49	\$0.00	\$0.00	\$0.00	\$0.00
08/25/2009	(\$10.70) Sale	Debit Sale	(\$10.70)	\$94.79	\$0.00	\$0.00	\$0.00	\$0.00
08/26/2009	(\$4.75) Transfer Other Funds	MSP - Hobby	(\$4.75)	\$90.04	\$0.00	\$0.00	\$0.00	\$0.00
09/01/2009	(\$14.26) Sale	Debit Sale	(\$14.26)	\$75.78	\$0.00	\$0.00	\$0.00	\$0.00
09/01/2009	\$7.00 Resident Deposit	Inmate Pay - August 2009 Food Service	\$7.00	\$82.78	\$0.00	\$0.00	\$0.00	\$0.00
09/03/2009	\$31.87 Resident Deposit	Industries Payroll - August 2009	\$31.87	\$114.65	\$0.00	\$0.00	\$0.00	\$0.00